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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/848,748
Filing Date: May 19, 2004
Appellant(s): CHRISTENSEN ET AL.

Wayne A. Sivertson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 22 December 2008 appealing from the Office action mailed 16 July 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is generally correct. It is noted that this section of appellant's brief includes arguments pertaining to the statutory rejection. Arguments presented in this section of the brief are considered to be moot.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is partially incorrect. Pages 13-19 of the instant brief summarize disclosed subject matter rather than claimed subject matter.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal appears mostly correct with three exceptions enumerated consistent with Appellant's numbering convention below.

1. Objections for informalities of inconsistently omitting the word “for” within the expected phraseology of “means for” in claim 11. As per 37 CFR 41.39, a determination has been made of record that the instant objections at issue are not an appealable matter.

2. Upon reconsideration, rejections under 35 USC 102(b) under Shappir, (US 2003/0051070) are withdrawn.

5. Appellant did not respond to the merits of nonstatutory obvious type double patenting rejections. As such obvious type double patenting rejections will be summarily sustained by the Board. MPEP 1205.02 [R-3], paragraphs 2-3 recite:

An appellant's brief must be responsive to every ground of rejection stated by the examiner >that the appellant is presenting for review in the appeal. If a ground of rejection stated by the examiner is not addressed in the appellant's brief, that ground of rejection will be summarily sustained by the Board<.

**Oral argument at a hearing will not remedy such deficiency of a brief. The fact that appellant may consider a ground to be clearly improper does not justify a failure to point out to the Board the reasons for that belief.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

(A) Rangnekar, (US 2005/0192851), hereinafter Rangnekar

(B) Connor, (US 5,806,067), hereinafter Connor

(C) Braddy, (US 6,141,759), hereinafter Braddy

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Note the claim objection below has been evaluated under 37 CFR 41.39(a)(1) as being an issue that does not relate to an appealable action. However, since Appellant decided to bring this objection of claim 11 to the Board citing 35 USC 112, 6th paragraph even though there is no rejection under 35 USC 112, 6th paragraph to appeal.

Claim Objections

Claim 11 is objected to for informal invocation of "means" plus function language because it does not recite "means for" clause in steps b-d. This ground of objection is necessitated by instant claim amendment and argument. This claim is objected to under 37 CFR 1.75 for not providing antecedent basis for the "means" to the instant specification because the informal language and argument create an ambiguity whether the claim elements a through e invoke 6th paragraph of 35 USC 112.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangnekar, US Pre-Grant Pub. No. 2005/0192851 A1, filed 26 Feb. 2004, Pub. Date 1 Sep. 2005, hereinafter Rangnekar in view of Connor, (US 5,806,067), hereinafter Connor.

As to claim 1, Rangnekar teaches an apparatus comprising: a. a terminal computer operable by a user which generates a user request in a standardized object-based command language for access to a data base; (including “ATM., End User”, Fig. 5B, Fig. 2, paragraph ¶ [0123]; where an automatic teller machine is used as a terminal) b. a legacy data base management system responsively coupled to said terminal which honors said user request by execution of a non-standardized command language to produce a result from a dataset within said data base; (including “centralized reservation system”, ¶ [007], ¶ [142]) c. a conversion facility for conversion of said standardized object-based command language to said non-standardized command language (including “HTML”, ¶ [118-119]; Figs. 18-19); and d. a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said terminal computer and which modifies said dataset if and only if specified in said service request. (including “XML document is updated at a financial services system server only if there is a change in the city data”, ¶ [118-119], [125-126], [138]).

However Rangnekar does not expressly teach “including a hardware server which cannot execute said standardized object-based command language responsive coupled to said terminal computer”, standardized command language which is executable by said legacy database management system.

Connor teaches “including a hardware server which cannot execute said standardized object-based command language responsive coupled to said terminal computer” (including “IBM

mainframe ES9000, 0009x, IBM AS-400 DEC-VAX, Hewlett Packard and other UNIX-based systems. Referring to FIG. 1, a processor 105 processes data according to a preexisting software application”, Col. 4, Lines 5-15).

Rangnekar and Connor are analogous art pertinent to the problem to be solved. A skilled artisan would have been motivated to combine Rangnekar and Connor because it provides for a process for organizing and managing the transition, a multi-tiered client/server architecture that adheres to open systems standards” as discussed in Connor, Abstract.

Therefore at the time of invention, it would have been obvious to a person having ordinary skill in the art to combine Rangnekar and Connor because it provides for a process for organizing and managing the transition, a multi-tiered client/server architecture that adheres to open systems standards” as suggested in Connor, Abstract.

As to claim 2, Rangnekar teaches the apparatus wherein said terminal computer is coupled to said legacy data base management system via a publicly accessible digital data communication network (including “internet based websites such as Expedia...Priceline”, ¶ [11], [7]).

As to claim 3, Rangnekar teaches the apparatus wherein said user request specifies said dataset. ([8-9])

As to claim 4, Rangnekar teaches the apparatus wherein said publicly accessible digital data communication network further comprises the Internet. (¶ [11])

As to claim 5, Rangnekar teaches the apparatus of wherein said standardized object-based command language further comprises a commonly available command language. (¶ [107])

As to claim 6, Rangnekar teaches a method of utilizing a terminal using a standardized object-based command language (including “Java”, ¶ [92], or Javascript or ¶ [107]) to access a legacy data base management system having a data base employing a non-standardized command language comprising: a. transmitting a service request in a standardized object based command language from said terminal requesting access to said data base of said legacy data base management system (including “prints your itinerary”, Fig. 24; [40], [86]); b. receiving-said service request by said legacy data base management system; (including “GDS”, “Apollo Galileo”, “Amadeus”, [92]) c. converting said service request in said standardized object-based command language into said non-standardized command language by said legacy data base management system; (including “converted to a query that is understandable by CRS 30”, [142], where CRS is a legacy system such as shown above) d. honoring said service request by executing said non-standardized command language to access a dataset from said data base by said legacy digital data base management system; and e. modifying said dataset if indicated by said service request. (including “charge the transaction....routed to the built-in printer at ATM12 for printing...”, [150]).

However, Rangnekar does not expressly teach and which cannot execute said standardized object-based command language.

Connor as applied above teaches and which cannot execute said standardized object-based command language (including “IBM mainframe ES9000, 0009x, IBM AS-400 DEC-VAX, Hewlett Packard and other UNIX-based systems. Referring to FIG. 1, a processor 105 processes data according to a preexisting software application”, Col. 4, Lines 5-15).

As to claim 7, Rangnekar teaches a method wherein said dataset is specified by said service request (Fig. 25, see top reverse highlight).

As to claim 8, Rangnekar teaches a method wherein said transmitting step occurs over a publicly accessible digital data communication network (including “internet”, box 4 from top left corner, Fig. 2).

As to claim 9, Rangnekar teaches a method according wherein said publicly accessible digital data communication network further comprises the Internet (including “Internet Explorer”, [118]).

As to claim 10, Rangnekar teaches a method according to claim 9 wherein said standardized object-based command language further comprises-a commonly used command language (including “Java” or “Javascript”, ¶ [92,107]).

As to claim 11, Rangnekar teaches an apparatus for providing access to a hardware server (Fig. 5B, “special Web server”) hosting a such legacy data base management systems from a computer terminal (Fig. 5B, item “ATM”) using a standardized object-based programming language (including “Java”, ¶ [92], or Javascript or ¶ [107]) to efficiently provide a resultant report (including “transaction report/receipt as generated by ATM 12”, ¶ [121]) comprising: a. permitting means for permitting a user to transfer a service request defined by a standardized object-based command language (¶ [92,107]); b. offering means located within said hardware server (Fig. 2, “HOST SYSTEM”) responsively coupled to said permitting means (Fig. 3, “ATM machine”) via said publicly accessible digital data communication network (including “phone/fax/email”, Fig. 5A) for offering legacy data base management services (Fig. 5A, “host backend support office...travel desk”) involving access to at least one dataset having a

nonstandard scripted command language; (including “Sabre, Amadeus, Worldspan and the like”, ¶ [171], “CRS systems proprietary command driven format”, ¶[9]) c. converting means responsively coupled to said offering means for converting said service request (including “telecommunications network”, ¶ [28]) from said standardized object-base command language to said non-standardized scripted command language (“proprietary command driven format”, ¶[9] or “CRS systems proprietary format”, [10]); d. modifying means responsively coupled to said offering means for modifying said dataset if so indicated by said service request; (“in case of a failure due to **insufficient balance** or a problem with printing the receipt”, ¶ [113]) and e. providing means for providing said resultant report to said user. (Fig. 30, “The Printed Receipt”, or P. 15, Table 2, “Airline booking ATM flow...user...receipt”, wherein the user is the passenger and/or travel agent).

However, Rangnekar does not expressly teach and which cannot directly execute said standardized object-based programming language.

Connor as applied above teaches and which cannot directly execute said standardized object-based programming language (including “IBM mainframe ES9000, 0009x, IBM AS-400 DEC-VAX, Hewlett Packard and other UNIX-based systems. Referring to FIG. 1, a processor 105 processes data according to a preexisting software application”, Col. 4, Lines 5-15).

As to claim 12, Rangnekar teaches an apparatus wherein said dataset is specified by said service request (Fig. 22).

As to claim 13, Rangnekar teaches an apparatus further comprising means located within said permitting means for generating a second service request (Figs. 22-23).

As to claim 14, Rangnekar teaches an apparatus wherein said offering means further comprises a commercially available data base management system (§ [207]).

As to claim 15, Rangnekar teaches an apparatus wherein said permitting means further comprises an industry standard personal computer (§ [170], “Windows (r)...Microsoft’s industry-standard Object Linking and Embedding”).

As to claim 16, Rangnekar teaches a data processing system *comprising* a terminal computer (“The ATM Machine”, Fig. 21) which generates a service request (Fig. 5A, “request...phone...fax...email”) in a standardized object-based command language (including “XML-RPC”, Fig. 35); a hardware server hosting a legacy data base management system which accesses a dataset to honor said service request by executing a non-standardized command language responsively coupled to said terminal (including “DIEBOLD FDK logic”, § [61-68], Fig. 13b), c. a conversion facility *located within* said legacy data base management system which converts said service request from said standardized object-based command language (including “Perl using COM”, [207]) to said non-standardized command language; and (including “CRS”, [207]) d. a facility which modifies said dataset only if indicated by said service request. (including “Cancelled means that this transaction was cancelled upon the customer’s request”, [220]).

However, Rangnekar does not expressly teach “and which cannot execute said standardized object-based command language”.

Connor as applied above teaches “and which cannot execute said standardized object-based command language” (including “IBM mainframe ES9000, 0009x, IBM AS-400 DEC-

VAX, Hewlett Packard and other UNIX-based systems. Referring to FIG. 1, a processor 105 processes data according to a preexisting software application”, Col. 4, Lines 5-15).

As to claim 17, Rangnekar teaches the data processing system wherein said dataset is specified by said service request (“customer will select DD-MM-YYYY....by entering the numeric code from numeric keypad”, Table 5).

As to claim 18, Rangnekar teaches the data processing system wherein said terminal is responsively coupled to said legacy data base management system via a publicly accessible digital data communication network (including “internet”, see left most box “End User->Internet” in the two o’clock position away from the left most box, Fig. 2).

As to claim 19, Rangnekar teaches the data processing system wherein said publicly accessible digital data communication network further comprises the Internet (see left most box “End User->Internet” in the two o’clock position away from the left most box, Fig. 2).

As to claim 20, Rangnekar teaches the data processing system wherein said standardized object based command language further comprises a commonly utilized command language (including “Perl using COM architecture”, ¶ [207]).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rangnekar in view of Connor in view of Braddy, (US 6,141,759), hereinafter Braddy.

As to claim 21, Rangnekar teaches an apparatus for accessing a database comprising: a. a computer terminal which generates a user request in a standardized object-based command language which specifies access to a dataset within a data base; (including “.pl”, see top Window bar of Figs. 16-17, the “.pl”. extension suffix whose dictionary definition is read in light of

paragraph [207, 210] reciting “Perl” and a definition observed in Wikipedia.org) b. a legacy data base management system responsively coupled to said terminal via a publicly accessible digital data communication network (including “End User->internet”, Fig. 12) which honors said user request by execution of a non-standardized command language to produce a result from said dataset; (including “request via Phone”, “Agents 2-5...travel desk”, Fig. 5B) c. a conversion facility for conversion of said standardized object-based command language (including “.pl” in Fig. 29, where “.pl” extension is defined as invoking the language of PERL whose dictionary definition is read in light of Wikipedia.org or beginner PERL tutorial at PERL.com) to said non-standardized command language (including “CRS”, Fig. 35, the centralized reservation system includes legacy systems which are interpreted as meeting the negative limitation); and d. a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said terminal and which modifies said dataset if and only if specified in said service request ([142], [145], [155], [161]).

However, Rangnekar does not expressly teach “and which cannot execute said standardized object-based command language”.

Connor as applied above teaches “and which cannot execute said standardized object-based command language” (including “IBM mainframe ES9000, 0009x, IBM AS-400 DEC-VAX, Hewlett Packard and other UNIX-based systems. Referring to FIG. 1, a processor 105 processes data according to a preexisting software application”, Col. 4, Lines 5-15).

However, Rangnekar and Connor do not expressly associate the “.pl” file extension with PERL.

Braddy teaches the that the ".pl" file extension is associated with PERL (Fig. 5b, 2nd to the last line or Fig. 6b, item 86, ".pl" associates with "perl.exe" or Col. 10, Lines 34-35, ".pl for Perl program files").

Rangnekar in view of Connor and Braddy are analogous art pertinent to the problem to be solved. A skilled artisan would have been motivated to combine Rangnekar in view of Connor and Braddy because it provides for file type extension mappings are used to map file extension to execution path as suggested in Braddy, Fig 6a, item 86.

Therefore at the time of invention, it would have been obvious to a person having ordinary skill in the art to combine Rangnekar in view of Connor and Braddy because it provides for file type extension mappings are used to map file extension to execution path as suggested in Braddy, Fig 6a, item 86.

Note the following outstanding issues were not appealed and the Examiner maintains that Appellant's silence and lack of a timely terminal disclaimer could be interpreted to be an acquiescence as the Examiner believes could be at least one basis of affirmation.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re*

Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

(a) One-Way Obviousness

If the application at issue is the later filed application or both are filed on the same day, only a one-way determination of obviousness is needed in resolving the issue of double patenting, i.e., whether the invention defined in a claim in the application would have been anticipated by, or an obvious variation of, the invention defined in a claim in the patent. See, e.g., *In re Berg*, 140 F.3d 1438, 46 USPQ2d 1226 (Fed. Cir. 1998) (the court applied a one-way test where both applications were filed the same day). If a claimed invention in the application would have been obvious over a claimed invention in the patent, there would be an unjustified timewise extension of the patent and an obvious-type double patenting rejection is proper. Unless a claimed invention in the application would have been >anticipated by, or< obvious over a claimed invention in the patent, no double patenting rejection of the obvious-type should be made, but this does not necessarily preclude a rejection based on another type of nonstatutory double patenting (see MPEP § 804, paragraph II.B.2.).

Similarly, even if the application at issue is the earlier filed application, only a one-way determination of obviousness is needed to support a double patenting rejection in the absence of a finding: (A) of administrative delay on the part of the Office causing delay in prosecution of the earlier filed application; and (B) that applicant could not have filed the conflicting claims in a single (i.e., the earlier filed) application. See MPEP § 804, paragraph II.B.1.(b).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1, 6, 11, 16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6, 11, 16 of copending Application No. 10/848,758. These applications are filed on the same day thus only a one-way obviousness

test is needed. A user session is deemed an obvious variation of a user terminal because although the scopes are different the user session anticipates the user terminal but not necessarily vice versa. Although the claim scopes differ slightly, the issue is the overall degree of overlap in between the claim scopes.

This is a provisional obviousness-type double patenting rejection.

Claims 1, 6, 11, 16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6, 11, 16 of copending Application No. 10/848,470. Adding an element of a parameter object responsively coupled to said legacy data base management system which provides definition is not because adding a variable would surely be an obvious feature to add to a database management system especially one with a standardized object-based command language would appear supportive of such.

This is a provisional obviousness-type double patenting rejection.

Claims 1, 11 and 16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6 and 11 copending Application No. 10/848,899. These applications are filed on the same day thus only a one-way obviousness test is needed. A user session is deemed an obvious variation of a user terminal because although the scopes are different the user session anticipates the user terminal but not necessarily vice versa. Although the claim scopes differ slightly, the issue is the overall degree of overlap between the claim scopes.

This is a provisional obviousness-type double patenting rejection.

Claims 1, 11 and 16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6 and 11 copending Application No. 10/848,901. Adding an element of a parameter object responsively coupled to said legacy data base management system which provides definition is an obvious addition that amounts to adding a variable reference to a database management system especially one with a standardized object-based command language would appear supportive of such.

This is a provisional obviousness-type double patenting rejection.

Claims 1, 11 and 16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6, 11, 16 of copending Application No. 10/849,469. Limiting a command-language to being object based and necessarily linking a modification to a request are obvious in view of Winter, US Pre-Grant Pub. No. 2004/0226027 A1, Filed 6 May 2003, Pub Date 11 Nov 2004.

This is a provisional obviousness-type double patenting rejection.

Claims 1, 6, 11, 16 and 21 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, and 6 of US Patent No. 6,721,722. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims appear to recite narrow dependencies that cause the claim scope of the older application to overlap with the new application. The newer application is being examined so only a one-way obvious test is sufficient. A commercially available browser meets the

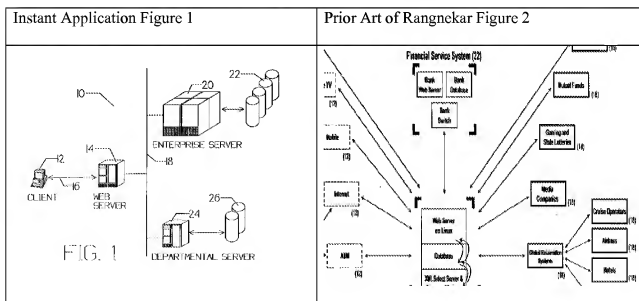
limitations of a terminal and the internet surely meets the limitations of a publicly accessible digital communications network.

Claims 1 and 2 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 6 and 10 of US Patent No. 7,013,341. Although the conflicting claims are not identical, they are not patentably distinct from each other because the application with the earlier filing date recites an additional element (c) of a notification module. This is not patentably distinct absent evidence of criticality or to the contrary is deemed obvious an variation.

(10) Response to Argument

Instant figure 1 is shown side by side with the prior art of Rangnekar, figure 2.

Rangnekar ATM will be shown running Microsoft Internet Explorer on the front-end connected to a legacy system such as Sabre (airlines).



Appellant's instant brief is rebutted whenever it contravenes rule, evidentiary merit, law or precedent. Appellant appeals an objection before filing a petition which effectively requests the Board to contravene a determination that 37 CFR 41.39(a)(1) specifically delegated to the primary examiner which in the instant case would be the Supervisory Patent Examiner. On page 41, first paragraph, the instant brief contains an admittance that it "cannot offer appropriate evidence and argument in rebuttal". Later on page 44 of the instant brief, Appellant argues limitations from a preferred embodiment from the instant specification without acknowledging that the prior art already maps to the cited portion of the instant specification. Page 44 of the instant brief quotes instant specification page 15, lines 11-13 discloses, "internet terminal 12 is an industry compatible, personalized computer having a current version of the Windows operating system and suitable web browser...". Rangnekar's paragraph [118] usage of "Microsoft Internet Explorer" necessarily provides a browser meeting Appellant's cite of instantly specified limitations. On page 41, the instant brief asserts a rigid three prong MRA test of "motivation to make the alleged combination; reasonable expectation of success; and all claimed elements". However, this strict three prong test is not shown to be consistent with precedential guidance of *KSR v. Teleflex*. Whenever the instant brief alleges that a position is "clearly erroneous" or that there are "clear errors of law" without a citation, these allegations should be persuasive. Finally, this Examiner's Answer requests that the Board affirm the issues under Appeal.

1. Is claim 11 objectionable for "informal invocation of means-plus function language"?

Note, this is a question that is determined under 37 CFR 41.39(a)(1) as being not related to an appealable matter. In the event that the Board wishes to intervene and wishes to override a determination under 37 CFR 41.39(a)(1), this Examiner's Answer includes a response to Appellant below.

On page 25, paragraph 1, Appellant argues that element b of claim 11 recites "means for offering" and "means for converting" of claim element c. However, both of these arguments are clearly shown to misquote instant claim 11. Specifically, instant claim 11, element b recites "**offering means located** within said hardware server..." Further, instant claim 11, element c recites "**converting means responsively** located..." Consequently, Appellant's argument is incorrect because it misquotes the instant claim phraseology at issue. In any event, the Asst. Examiner of record believes that an appeal of the instant objection appears inconsistent with 37 CFR 41.39(a)(1) as a signing supervisor meets the formal requirement of a Primary Examiner of record. Therefore this objection under 37 CFR 1.75 if entertained by the Board should be either affirmed or returned to the Technology Center as Appellant has appealed a petitionable matter before filing a petition.

III. Are claims 1-20 unpatentable over Rangnekar in view of Connor?

On page 41, paragraph 1, Appellant asserts a strict MRA test of "1) **Motivation** to make the alleged combination; 2) **Reasonable** likelihood of success of the alleged combination; and 3) **All** claimed elements within the alleged combination". Appellant's MRA test will be analyzed and shown contrary to present policy and case law. Therefore the rejections under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 41, a paragraph 2 through page 42, paragraph 1, Appellant appears to argue lack of comprehensibility of the motivation and lack of motivation. However, motivation is shown on page 15, paragraphs 4-5 of the Final Office Action. "A skilled artisan would have been motivated to combine Rangnekar and Connor because it provides for a process for organizing and managing the transition, a multi-t[ie]r client/server architecture that adheres to open systems standards" as discussed in Connor, Abstract. Appellant's strict test using comprehensibility of the motivation appears inconsistent with MPEP 2143 and contemporary case law guidance such as *KSR v. Teleflex*. Appellant's allegation that Rangnekar and Connor have nothing to do with each other is contradicted by the clear observation that they both solve a problem with "legacy systems". Therefore the rejections under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 42, paragraph 2, Appellant argues lack of a reasonable likelihood of success. Appellant alleges "readily apparent incompatibilities between Rangnekar and Connor" without specifically identifying or citing any support for the argument. However, the Examiner rationalizes that both references are directed to extending the useful life of a legacy system. Rangnekar extends the life of a legacy mainframe system by letting automatic teller machine (ATM) users purchase plane tickets from an ATM terminal. The Examiner further reasons that the Connor teaching could have been successful at extending the useful life of a legacy travel reservation mainframe in Rangnekar beyond the year 2000 by overcoming some potential Y2K date ambiguity issue explained in Col. 1, Line 64 through Col. 2, Line 5. Therefore the rejections under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 42, paragraph 3, Appellant argues that the alleged combination somehow does not show all claimed elements. However, Appellant is specifically silent as to which claimed element is alleged to be missing. Mere allegation that a claimed element is missing without particularly pointing out which element is missing and how it avoids the prior art is believed inconsistent with 37 CFR 1.111. Furthermore, in response to applicant's apparent argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "using the legacy data base management system to perform the required conversions using parameterized inputs defined in the incompatible standardized object-oriented command language") is not recited in the rejected claim(s). Specifically, the word "parameter" or "parameterized" appears absent or uncited to any rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). No analysis is provided as to how this argued element would necessarily and always be present within the rejected claims. Consequently, the rejections under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 43, paragraph 1, Appellant argues that Rangnekar does not teach claimed conversion of user requests within the same legacy data base management system as is used to actually honor the claimed service request. However, in response to applicant's apparent argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "conversion of user requests within the same legacy data base management system") is not recited in the rejected claim(s). Specifically, the word "same" appears absent or uncited to any rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In *arguendo*, "legacy database management system" is not defined in a manner that somehow limits where the conversion must take place because the term "legacy" is a relative term delimiting which portion of the system would not be a legacy system. Consequently, the rejections under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 43, paragraph 2, Appellant argues that Rangnekar does not teach command language which must be converted by the legacy data base management system into command language script which is executable by the legacy data base management system. However, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "command language which must be converted by the legacy data base management system") is not recited in the rejected claim(s). Specifically, the word "must" appears absent from any rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In *arguendo*, claim 1 recites "converting said service request from said standardized object-based command language into said non-standardized command language by said data base management system" which could also be reasonably interpreted to mean that the conversion is performed in the vicinity of said legacy data base management system rather than inside of it as instantly argued. Furthermore, Appellant's argument of "must be converted by said legacy data base management system" appears inconsistent with optional language shown in instant specification page 7, paragraph 1, second sentence which states "the gateway, which

translates transaction data transferred from the user over the Internet in HTML format into a format from which data base management system commands and inputs may be generated....the gateway must make these format and protocol conversions.". Consequently, the rejections under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 43, paragraph 2, Appellant further argues "various parameters submitted with the service request control conversion of the command language by the legacy data base management system". However, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "parameters") are not recited in the rejected claim(s). Specifically, the word "parameters" appears absent from any rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore the rejections under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 44, paragraph 2, Appellant appears to argue that Rangnekar's "automatic teller machine" does not teach the claimed "terminal computer". However, Rangnekar teaches that the automatic teller machine includes a "computer program" in paragraph [44]. Furthermore, Rangnekar, paragraph [123] shows the customer reserving airline bookings via ATM and the terminal function being performed in Figure 5B as cited on page 14 of the Final Office Action. Note that ATM block is shown hanging underneath a web server block as a functional equivalent to a browser terminal specified or argued by Appellant. Appellant's quotation clearly omits the instantly specified phrase "**preferred embodiment**" two sentences above within the same paragraph. Appellant's argument also contradicts instant specification page 25, paragraph 1

which states, "...yet other embodiments within the scope of the claims hereto attached". In any event, Appellant's attempt to import this "preferred embodiment" to somehow narrow the claim raises additional problems without addressing them. Appellant's argued limitations raise additional questions such as an admission of prior art or offer for sale (see argued limitation of "readily available commercial products") and a second question of invoking a Microsoft owned trademark (see argued limitation of "Windows") and a third question of invention by a different assignee (see "current version of the Windows operating system") all within the instant claim 1. Therefore the rejection of instant claim 1 should be instantly affirmed.

Appellant's argument on the importation subject is inadequate in that it simply did not address how to import a preferred non-controlling definition that appears to narrow instant claim 1 over other embodiments in contravention to MPEP 2111 and case law precedent. Therefore the rejections under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 45, paragraph 2, Appellant argues that Rangnekar does not teach "responsively coupled to said computer terminal". However, Rangnekar shows in Fig. 12 that ATM button "C" will "Retrieve/Cancel Booking" on an airline. Note that retrieving or canceling a booking in central reservation system (CRS 30) necessarily and always requires being responsively coupled to complete the function as pushing this button to cancel a booking would free a booking up for another user within the central reservation system. Since Appellant argued that Rangnekar did not have the claimed responsive coupling, the Examiner showed Appellant reference of Connor which more clearly teaches the argued limitation in Fig. 1 and Col. 4, Lines 5-15. Therefore the rejections under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 46, paragraph 2, Appellant argues that Connor does not teach coupled to said terminal computer. However, Connor recites a plurality of terminal computer species of "IBM mainframe ES90000, 0009x, IBM AS-400 DEC-VAX, Hewlett Packard and other UNIX-based systems" where the coupling is to the "preexisting software application" of Fig. 1. The term coupling can also be interpreted to include an indirect or ambiguous connection where the processor and control program receive input. Therefore the rejections under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 46, paragraph 3, Appellant argues that Rangnekar does not teach "a conversion facility for conversion of said standardized object-based command language to said non-standardized object-based command language to said non-standardized command language which is executable by said legacy data base management system". Appellant is incorrect that there is insufficient disclosure within Connor as it expressly recites UNIX which necessarily and always includes a standardized object-based command language. Therefore the rejections under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 47, paragraph 2, Appellant argues that Rangnekar does not teach "a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said terminal computer and which modifies said dataset if and only if specified in said service request". However, the Examiner's Automated Search Tool (EAST) retrieved the prior art of Rangnekar in response to a query of key words and art accepted synonyms as understood by a person having ordinary skill in the art after reading Appellant's instant specification. Key Words in Context of Rangnekar are shown below:

[0118] In one embodiment, any bank application which needs to display the web page loads Microsoft Internet Explorer Object to allow functionality, including but not limited to, Internet Explorer, e.g.

Art Unit: 2166

the parsing of the HTML tags, the Javascript functionality, events, and the like. The software of the particular ATM 12, should be able to load the explorer object. In this regard it is similar to the explorer browser but is meant for dumb terminals which do not have a mouse to navigate. By way of illustration, parsing of HTML tags means bHotel will mean Hotel in bold uhotel will mean hotel which is underlined.

[0119] In various embodiments, host system 20 application is designed to do various tasks, including but not limited to automatic redirection of the web page as the transaction on ATM proceeds. Host system 20 application stores the values, which by way of illustration for an airline booking can be the customer's name, city of departure, city of destination, dates of travel, class of travel, and the like, in the cookie of ATM 12, receives the customer inputs from the buffer and displays it in a formatted way in appropriate fields at a display 14 of ATM 12. The data input by the customer after choosing the airline booking is stored in a cookie in ATM 12 and is sent to host system 20 at the time of booking.

[0125] As shown in FIGS. 18 and 19, for an airline booking, all of the customer's information for that booking is entered at an ATM 12 and is routed to the CRS 30 in a format that a CRS server can process. This is the information that is necessary to request a successful booking and is relayed to CRS 30 in a sequential manner. Individual bookings are made in CRS 30 for every passenger specified. The booking code for the related fare is retrieved from the database 28 of host system 20.

[0126] In FIGS. 20, 21 and 22, the customer can view all their choices before doing his booking at ATM display 14. When a customer submits a query to fly between two or more destinations, host system 20 routes this query to reservations server 26, sorts the data that is polled, attaches fares and accompanying rules, and displays it at the user end showing the various options to fly on direct flights first, followed by ones with one and more stopovers. Based on what the customer selects, host system 20 picks up the relevant customer data and preferences from database 28 and feeds it to reservation server 24 in a predetermined sequence resulting in a PNR being generated.

[0138] This XML document is updated at a financial services system server only if there is a change in the city data. A financial services system server 36 has an associated program that parses the XML document to obtain the list of cities that will be displayed. The list of cities for departure and arrival remains the same.

In arguendo, Appellant's arguments as best understood by the Examiner allege confusion as to the quantity of paragraph hits during a prior art search or that Rangnekar does not pass a strict test to responsively couple the references or mere ignorance of ordinary skill in the art are fully considered but are shown to be mere argument absent an authoritative citation support from the

MPEP, prior art citation and/or precedent citation. Therefore the rejections under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 48, paragraph 1, Appellant argues that Rangnekar does not teach Appellant's claimed "computer terminal". However, Appellant previously argued on page 44 of the instant Brief that instant specification page 15, lines 11-13 that this computer terminal is somehow necessarily narrowed to an internet terminal 12 is an industry compatible, personalized computer having a current version of the Windows operating system and suitable web browser, all being readily available commercial products". In arguendo, Rangnekar's paragraph [118] usage of "Microsoft Internet Explorer" necessarily provides a browser meeting Appellant's instantly specified limitations of a suitable web browser that is compatible with a current version of the Windows operating system and industry compatible, personalized computer, and an internet terminal. Therefore the rejection of claim 2 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 48, paragraphs 2-3, Appellant argues that Rangnekar does not teach the network limitation of "publicly accessible". However, an ATM by its commercial purpose is necessarily and always directed to a consumer market which necessarily and always satisfies the requirement of publicly accessible which appears to be lower threshold than public use. In any event, Appellant's argument of a "publicly accessible" limitation could also be reasonably read upon a follow-on phrase "financial institutions run their ATM's 12 on their private networks...all of which are part of the **ATM sharing network**" in paragraph [111]. A network of ATM's even if only offered to customers would be sufficient to meet the limitation of publicly accessible because every ATM need not be accessible by every person when only the network needs to be

accessible to diligent members of the public seeking to use an ATM. Furthermore, Appellant asserts a position "[t]he law requires disclosure of the claimed element". However, which is shown to be contrary to MPEP 2112. Therefore the rejection of claim 2 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 49, paragraph 2, Appellant argues that claim 4 depends from claim 3 and further limits the claimed coupling network. However, this argument does not specifically point out how it avoids the prior art. In arguendo, instant claim 4 can also be reasonably read on paragraph [11] of Rangnekar, "passengers can either book through ... independent internet based websites such as Expedia, Orbitz, Travelocity, Trips.com, Cheaptickets, Priceline...". In paragraph [118], Rangnekar also shows a customer booking a hotel by interacting through an **ATM** loading the [**Microsoft Internet Explorer**] object in paragraph [118]. Therefore the rejection of claim 4 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 49, paragraph 3, Appellant argues that the prior art does not teach "standardized object-based command language". However, Appellant's instant abstract expressly exemplifies the limitation as including "Javascript" whose identical trademarked terminology is observed in paragraphs [92, 107, 118] of Rangnekar. Therefore the rejection of claim 5 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 50, paragraph 2, Appellant appears to argue that Rangnekar teaches no step in claim 6. However, Rangnekar teaches that the customer may press a specific button on the ATM to "Please wait while system prints your itinerary" which constitutes a evidence of making a request for "evidence of purchase" (waiting) then having it fulfilled as discussed in paragraph [86]. Note that Rangnekar necessarily and always transmits this request from the browser

terminal at the ATM of Rangnekar to the legacy reservation system in Rangnekar. Paragraph [86] further explains that this feature lets the service provider establish a contract with between the customer and service provider and lets both customer and the service provider track transaction details. Alternatively, every limitation in claim 6 has been mapped. Appellant's allegation that any step is not disclosed is mere argument lacking specific arguments to explain how the claimed limitation would avoid any specific prior art element. Therefore the rejection of claim 6 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 51, paragraph 1, Appellant argues that the prior art does not teach "converting said service request from said standardized object-based command language into said non-standardized command language by said legacy data base management system". However, claim 6 does not require that CRS perform the conversion because Appellant's argument does not indicate which element necessarily and always performs the conversion. The broadest reasonable interpretation of the claimed preposition "by" would also encompass a conversion being done in the vicinity of the legacy system or that the term legacy is a relative one that further encompasses elements in addition to CRS such as the ATM. Since Appellant's specification did not indicate how old the element must be to satisfy the term "legacy" as it is used in the context of a "legacy database management system", which could include any ATM terminals in use. Therefore the rejection of claim 6 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 51, paragraph 1, Appellant characterizes the Examiner position as "he readily admits that the conversion is not made by CRS 30 of Rangnekar". However, Appellant's characterization of the Examiner's position is contradicted on page 27, paragraph 1 of the Final

Office Action which recites “no such admission is provided by the previous Office Action...” By selecting a particular offer of plane tickets a conversion is made by a legacy system inclusive of GDS, Amadeus, or CRS. Therefore the rejection of claim 6 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 51, paragraph 2, Appellant argues that the prior art does not teach “modifying a dataset”. However, a data set is necessarily modified when a credit card number is transmitted and printed upon a receipt as mentioned in paragraph [150]. A completed monetary transaction or funds being exchanged via credit card necessarily and always involves a modified data set since credit is necessarily money which is necessarily accounting data. Therefore the rejection of claim 6 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 51, paragraph, Appellant argues that the prior art does not teach “wherein said dataset is specified by said service request”. However, Rangnekar clearly shows a specified dataset in response to said service request for an airline ticket.

Figure 25

WebBrowser - http://192.168.110.10/NCR/cgi-bin/success.pl			
Booking No.: 450000009538		Booking Date: 14/1/2004	
Passenger: MR.GIBY SAMUEL		Class of Travel: ECONOMY	Total Fare: 9,538
	Depart Depart date Depart time	Arrival Arrival date Arrival time	Flight no. Aircraft Type Journey Time
Option-1	Bangalore 12-02-2004 18:55PM	Delhi 12-02-2004 21:40PM	9W-812 738 2:45

Therefore the rejection of claim 7 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 52, paragraph 1, Appellant appears to argue that the prior art does not teach "publicly accessible network". However, Rangnekar teaches "internet" in box 4 from top left corner, Fig. 2 which meets publicly accessible network. This argument that Rangnekar's internet somehow does not meet "publically accessible digital data communication network" appears to contradict instant specification, page 5, lines 17-23 which clearly recite that the "interface with users via the Internet". Therefore the rejection of claim 8 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 52, paragraph 2, Appellant appears to argue that the prior art does not occur over the internet. However, Rangnekar, paragraph [118] recites, "Internet Explorer". Therefore the rejection of claim 9 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 52, paragraph 3, Appellant argues that the prior art does not teach "standardized object-based command language". However, Appellant's instant abstract expressly exemplifies the limitation as including "Javascript" whose identical trademarked terminology is also observed in paragraphs [92, 107] of Rangnekar. Appellant's argument is shown to contradict the instant abstract. Therefore the rejection of claim 10 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 53, paragraph 2, Appellant appears to invoke 35 USC 112, 6th paragraph arguing that reasonable equivalents of the components disclosed. However, Appellant's traversal sets forth no specific component from Appellant's disclosure as missing which does not comply a requirement under 37 CFR 1.111 to specifically point out how Appellant's claim would avoid the prior art. Appellant has chosen to ignore an informal ambiguity raised by the Examiner regarding whether limitations b and c actually invoked "means for" phraseology as limitation b recites structure of a hardware server coupled to "said permitting means". Instant Figure 1 recites a client whose equivalent is shown in Rangnekar, paragraph [118], "Microsoft Internet Explorer" also reasonably read upon the screen shot of Fig. 25 whose standardized object-based programming language is interpreted to include art accepted equivalents of "Javascript" in Rangnekar, paragraph [111] and HTML, paragraph [118]. In arguendo, the "offering means located within said hardware server", instant Fig. 1, "web server" is interpreted to include art accepted equivalents of a web server shown in Rangnekar, Fig. 25 which identifies the web

server by address to which the browser Internet Explorer is connected to. The claimed “publically accessible digital data communication network” is reasonably interpreted to include a shared ATM network or internet as the later is observed within Appellant’s instant specification. The legacy data base management services correspond to instant Fig. 2, item 44, “DB” or Fig. 1, item 20, “enterprise server” which are reasonably interpreted to be anticipated by travel reservation systems of “GDS”, “Apollo Galileo”, “Amadeus”, “CRS”, “Sabre” as seen in paragraph [92]. The prior art has already been shown to correspond with certain portions of the instant specification. Absent a more specific identification of the disclosure element that Appellant has concluded is missing, the rejection of claim 11 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 53, paragraph 3, through page 54, paragraph 1, Appellant argues the prior art does not teach “service request” or “dataset” as claimed in claim 12. However, a button to BOOK travel between Bangalore—Delhi meets a service request and the proposed trip details are necessarily a data set. Therefore the rejection of claim 12 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 54, paragraph 2, Appellant argues that the prior art does not teach “means located within said permitting means for generating a second service request”. However, Rangnekar teaches a sequential series of service requests shown in Figures 22-23. The first service request is for an available airline seat offer and the second request is to book or reserve said airline seat. Therefore the rejection of claim 13 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 54, paragraph 3, Appellant argues that the prior art does not teach “offering means”. However, Rangnekar teaches in paragraph [207]:

[0207] To check for availability and booking the request goes from ATM 12 to a server 36. A CGI program of host system 20 on the server 36 routes the request with the required parameters to host server 36. The request can use the database 28 as an intermediate to interact with host system 20 and server 36. The CGI program on host server can interface with CRS 30 using either OLE or XML...

Therefore the rejection of claim 14 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 55, paragraph 1, Appellant argues that the prior art does not teach “permitting means”. Appellant further argues that paragraph [170] of Rangnekar has nothing to do with the ATM. However, Appellant’s first argument directly contradicts the instant specification, page 15, paragraph 2, Fig. 1... “internet terminal 12 is an industry compatible, personalized computer having a current version of the Windows operating system and suitable web browser, all being readily available commercial products”. Appellant’s second argument does not address that paragraph [170] provides an overall integration methodology between the browser displayed at the ATM terminal and the back-end legacy Galileo system. Rangnekar paragraph [170]:

[0170] OLE Select is designed to help host system 20 integrate the power of the Galileo system with an embodiment of a host system 20 that has 16-bit or 32-bit custom Windows.RTM.-based applications using structured data. Structured data is delivered using Microsoft's industry-standard Object Linking and Embedding.TM. (OLE) specification, commonly referred to as ActiveX.

Therefore the rejection of claim 15 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 55, paragraph 3, Appellant argues that the prior art does not teach “conversion facility”. Appellant also argues that “PERL using COM” is not related to the claimed conversion

facility. However, PERL is an acronym for Practical Extraction Reporting Language and COM is an acronym for Component Object Model which are disparate languages that require a conversion facility or adapter to be used together. Therefore the rejection of claim 16 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 56, paragraph 2, Appellant argues that the prior art does not teach "facility which modifies"...the claimed dataset. Appellant appears to argue that a lack of knowledge would somehow render the rejection less relevant. The Examiner reasons that a reservation dataset state is modified when cancelled in that in Rangnekar an airline seat that is reserved then cancelled becomes available after cancellation therefore this reservation data set is necessarily and always modified by a cancellation.

[0220] Cancelled means that this transaction was cancelled upon the customer's request for whatever reason.

Furthermore, Appellant's mischaracterization that the word "cancelled" is misspelled appears contrary to a dictionary look up at m-w.com. Therefore the rejection of claim 16 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 56, last paragraph, Appellant argues that the prior art does not teach "Wherein said dataset is specified by said service request". However, Rangnekar teaches the claimed limitation in Table 5 as supported in the Final Office Action page 20, paragraph 4. Note this rebuts the allegation that the limitation is found in Rangnekar completely without support from the reference. Appellant may also look in Rangnekar between paragraphs [202-203] of the reference to more specifically see Table 5. Therefore the rejection of claim 17 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 57, paragraph 1, Appellant argues the prior art does not teach a coupled internet as required by claim 18. However, Fig. 2 of Rangnekar clearly shows an internet linked by lines and arrows contrary to Appellant's allegation of disembodiment. Therefore the rejection of claim 18 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 57, paragraphs 2-3, Appellant's arguments are analyzed and discussed above. Therefore the rejections of claims 19-20 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 58, paragraphs 2-3, Appellant merely argues that the motivation is "truly incomprehensible". Appellant further argues readily apparent incompatibilities. However, absent a proper affidavit under 37 CFR 1.132 of an expert witness setting forth exemplary qualifications of a person having ordinary skill in the art and the specific motivation Appellant wishes to comprehend, this broad categorical argument of "truly incomprehensible" is challenged. A prior solution to incompatibility can be seen by looking to the prior art to show an adaptation between a legacy reservation system based on a proprietary system connected via a standards-based system using Internet Explorer on an ATM. Therefore the rejection of claim 21 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 59, paragraph 1, Appellant argues that the prior art does not teach "computer terminal which generates a user request in a standardized object-based command language which specifies access to a dataset within a database". Appellant appears to argue that undisclosed property or feature that Appellant appears to concede as implicitly present but not disclosed. However, the express invocation of a PERL script would meet the limitation of "a conversion facility for conversion of said standardized object-based command language (e.g. PERL) to said

non-standardized command language (e.g. CRS). Therefore the rejection of claim 21 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 59, paragraph 3, Appellant argues that the prior art does not teach “located within said legacy data base management system”. However, Appellant does not specifically point out the metes and bounds of how Appellant's would somehow necessarily and always define legacy data base management system to preclude the use of a PERL script to convert to COM. Therefore the rejection of claim 21 under 35 USC 103 of Rangnekar in view of Connor should be affirmed.

On page 59, paragraph 4, Appellant argues that the prior art does not teach facility providing for conditional modification of the dataset. However, Rangnekar teaches the argued limitations in paragraphs [142,145, 155, 161]. Whenever the customer makes a payment or makes a choice on booking class that this necessarily and always involves a modification of the reservation dataset as also reflected in Figs. 22-23 of Rangnekar.

[0142] Standard, or conventional ATM's 12 are not designed to take alphabetic characters as input, host system 20 provides pre-defined menus for some field which is then activated for receiving customer inputs. The customer makes a choice from these pre-defined menus. The information gathered for a request is then routed from a financial services system server 36 to a server 24 of host system where it is further processed and converted to a query that is understandable by CRS 30. The response from CRS 30 is parsed, filtered and in the case of an airline, a fare is then calculated. A host program on bank server 36 parses the output in such a way that it becomes clear for the customer to read the options. The options displayed may be arranged by a variety of parameters. For airline bookings, these can be in the form of, departure time, price, availability, travel time, minimum connections; and the like.

[145]... If the new booking is more expensive, then the difference is debited from the customer's account.

[0155] Booking Class: Represents the class of travel. For domestic air travel most airlines only offer economy and business class seating. In the case of international travel, the customer usually has the choice to choose economy or coach, business class or first class.
...

It is believed that Appellant's arguments have been addressed and that a prima facie case of obviousness has been presented. For at least the reasons above, the above rejections should be affirmed.

(11) Related Proceedings Appendix

None.

For at least the above reasons, it is believed that the rejections should be affirmed.

Respectfully submitted,

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